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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/817,517

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Marco Sasselli

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7907

7590

12/15/2004

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EXAMINER

SHANNON, MICHAEL R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,517

Applicant(s)

SASSELLI ET AL.

Examiner

Michael R Shannon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kauffman US patent 4,710,955, cited by examiner.

Regarding claim 1, the claimed method for providing pay-TV services is met as follows:

- The claimed step of making available an offering to at least a subscriber location, the potential subscriber being enabled to select and purchase events among said offering made by a services provider is met by the discussion of making pay-per-view programs available to the subscriber, who can select and tune and/or record the pay-per-view event [col. 3, lines 43-57].
- The claimed step of attaching price information to each of the events offered by the provider is met by the data indicative of pay-per-view programs that is stored at the receiver. It is inherent that a pay-per-view event would have a price associated with it, and would therefore be stored along with the rest of the data [col. 3, lines 43-57].

- The claimed step of allocating a credit limit to the subscriber upon initial subscription is met by the cable television converter being pre-loaded with purchase credits against which pay-per-view programs can be ordered [col. 2, line 67 – col. 3, line 2].
- The claimed step of storing information on services purchases made by the subscriber, such storing including the step of increasing a debit counter thus defining a remaining value is met by the discussion of the debits associated with a pay-per-view program, the debits being debited from the stored credit information [col. 4, lines 18-25].
- The claimed step of initiating a communication for conveying said information to the service provider by an electronic return channel at a time defined by the remaining value or timing criteria is met by the modem means and auto-dial means, which serve to contact the head-end via a telephone connection and convey the pay-per-view credit/debit information to the head-end [col. 3, lines 57-68].
- The claimed step of issuing a bill to the subscriber at a time of billing, wherein the time of billing is made dependent on a plurality of conditions involving in particular the subscriber's rate of consumption of TV services is met by the discussion of the billing of subscribers for pay-per-view programs that were ordered [col. 5, lines 40-43].

Regarding claim 2, the claimed communication being initiated when the remaining value is lower than a threshold value is met by the discussion of the auto-dial

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means being used to dial into the controller or head-end if the credit amount is not sufficient [col. 4, lines 22-34].

Regarding claim 3, the claimed threshold value being defined so as to allow the subscriber to purchase the most expensive event is met by the same discussion of the auto-dial means being used to dial into the controller when the credit amount is not sufficient [col. 4, lines 22-34]. It is not a patentable distinction over claim 2 to claim what the "threshold" value is, as that is an arbitrary amount and can be set at any amount that the individual user deems necessary.

Regarding claim 4, the claimed debit counter being reset when a successful communication with the service provider has taken place is met by the discussion of downloading credit information from the controller or head-end. Column 4, lines 16-20 discuss the ability for the system to download credit information from the head-end, therefore inherently teaching that the credit information currently stored in the converter is replaced (or reset) by the updated credit information currently being downloaded.

Regarding claim 5, the claimed credit counter being set to the credit limit at initial subscription, and, when a successful communication with the service provider has taken place, the credit counter is incremented by the credit limit if the remaining value has reached the threshold value is, again, met by the discussions on column 2, line 67 – column 3, line 2 and column 4, lines 16-34. The converters can function to dial into the controller upon noticing insufficient funds, therefore updating the credit information at the converter and in turn, the controller.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman US patent 4,710,955, cited by examiner, in view of Lett et al US patent 5,592,551, cited by examiner, in further view of Russo US patent 5,619,247, cited by examiner.

Regarding claim 6, Kauffman teaches all of that which is discussed above with regards to claim 1. Kauffman does not expressly disclose the use of an electronic program guide displayed on his TV set to help the subscriber make his selections, nor does he disclose that the service provider has the capacity of not billing the subscriber for the events he has selected but not watched, and of only billing partly the events that were not watched in full. Lett et al teach an EPG that enables a subscriber to easily select pay-per-view events [Abstract]. Russo teaches that the customer account is not debited until a pay-per-view movie/event is actually watched and/or watched in its entirety [Abstract]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the EPG and the aforementioned billing technique with the pay-per-view system, in order to allow for easy selection of programs through a user-friendly interface and accurate billing information, so as not to bill for unwatched or partially watched programs.

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5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman US patent 4,710,955, cited by examiner, in view of Russo US patent 5,619,247, cited by examiner.

Regarding claim 7, Kauffman teaches all of that which is discussed above with regards to claim 1. Kauffman does not expressly disclose a parental control on the events the children of the household may watch or not within the offering, said parental control featuring a credit limit per viewer is met by the discussion of a "parental lockout" [col. 11, lines 16-30]. This feature allows the user to set up individual accounts for each household user, block access on a user basis, and therefore, set up credit limits for each user. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a parental control feature and associate it with an account balance, in order to control a child's ability to select a program for viewing in an attempt to prevent unwanted material from entering the home.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka US patent 4,961,109 discloses a system that enables a user to have a set credit limit for viewing pay-per-view events, wherein the head-end polls the receiver after a maximum number of events.

Block et al US patent 4,484,217 disclose a pay-per-view system that has a charge accumulation method with a credit limit present at the receiver.

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Candelore US patent 6,057,872 discloses a system that uses a credit system and a coupon system for purchasing pay-per-view events on impulse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Shannon whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 7:30-5:00, alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
December 1, 2004


JOHN MILLER
SUPERVISORY PATENT EXAMINER
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